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14 *USA Inc. and PureCircle Sdn Bhd*

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
17 **SOUTHERN DIVISION**

18 PURECIRCLE USA INC. and  
19 PURECIRCLE SDN BHD,

20 Plaintiffs,

21 v.

22 SWEEGEN, INC. and PHYTO TECH  
23 CORP. d/b/a BLUE CALIFORNIA,

24 Defendants.

CASE NO. 8:18-CV-01679-JVS-JDE

**DECLARATION OF STUART E.  
POLLACK IN SUPPORT OF  
PURECIRCLE'S MEMORANDUM  
OF POINTS AND AUTHORITIES  
IN OPPOSITION TO SWEEGEN'S  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT OF  
INVALIDITY AND CROSS-  
MOTION FOR SUMMARY  
JUDGMENT ON WRITTEN  
DESCRIPTION**

Date: April 11, 2022

Time: 1:30 p.m.

Room: 10C

Judge: The Hon. James V. Selna

1 I, Stuart E. Pollack, declare:

2       1. I am a partner with the law firm Kilpatrick Townsend & Stockton LLP,  
3 counsel for Plaintiffs PureCircle USA Inc. and PureCircle SDN BHD (collectively,  
4 "PureCircle") in this case. I have personal knowledge of the facts set forth in this  
5 declaration and, if called as a witness, could and would testify competently to these  
6 facts under oath.

7       2. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No.  
8 9,243,273, dated January 26, 2016.

9       3. Attached as Exhibit 2 is a true and correct copy of U.S. Patent No.  
10 10,485,257, dated November 26, 2019.

11       4. Attached as Exhibit 3 is a true and correct copy of *SweeGen, Inc. v.*  
12 *PureCircle USA Inc.*, PGR2020-00070, Paper 14 Non-Institution Decision ("PGR  
13 Decision").

14       5. Attached as Exhibit 4 is a true and correct copy of excerpts from the  
15 Expert Report and Declaration Regarding Infringement & Other Issues of Professor  
16 J. Martin Bollinger, Jr., Ph.D., dated November 10, 2021.

17       6. Attached as Exhibit 5 is a true and correct copy of excerpts from the  
18 Rebuttal Expert Report Regarding Validity & Other Issues of Professor J. Martin  
19 Bollinger, Jr., Ph.D., dated December 8, 2021.

20       7. Attached as Exhibit 6 is a true and correct copy of excerpts from Reply  
21 Expert Report Regarding Infringement & Other Issues of Professor J. Martin  
22 Bollinger, Jr., Ph.D., dated January 10, 2022.

23       8. Attached as Exhibit 7 is a true and correct copy of excerpts from the  
24 deposition of Dr. J. Martin Bollinger, taken on January 21 and January 22, 2022.

25       9. Attached as Exhibit 8 is a true and correct copy of excerpts from the  
26 Expert Report of Jacquelyn Gervay Hague, dated November 10, 2021.

10. Attached as Exhibit 9 is a true and correct copy of excerpts from the Reply Expert Report of Jacquelyn Gervay Hague, dated January 10, 2022.

11. Attached as Exhibit 10 is a true and correct copy of excerpts from the deposition of Jacquelyn Gervay Hague, Ph.D., taken on January 25, 2022.

12. Attached as Exhibit 11 is a true and correct copy of excerpts from the deposition of Oliver Yu taken on January 26, 2022.

13. Attached as Exhibit 12 is a true and correct copy of the Application to Amend the Specifications for Rebaudioside M Under Australia and New Zealand Food Standards Code – Standard 1.3.1-Food Additives (Dep. Ex. 612).

14. Attached as Exhibit 13 is a true and correct copy of the Original Claims filed in PCT US 2013/030439 on March 12, 2013.

15. Attached as Exhibit 14 is a true and correct copy of U.S. App. No. 14/469,076, 10/27/2015 Response to Office Action.

16. Attached as Exhibit 15 is a true and correct copy of U.S. App. No. 14/469,076, 11/27/2015 Notice of Allowance.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 14, 2022, in New York, New York.

/s/ *Stuart E. Pollack*

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Stuart E. Pollack